IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.Rev.Pet.No. 915 of 2007()

CRA.586/2001 of ADDL. SESSIONS COURT ADHOC-II, THALASSERY
CC.295/2001 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED:

V.M. SURESH, AGED 55 YEARS,
S/O. LATE SADANANDAN VYDIAR, VALARAMBETH HOUSE,
AZHETAVATTAM P.O., CALICUT-7.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE:

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1. C.K. RATHNARAJ,
`USHAS', BAVACHI MUKKU, KAVUMBHAGOM P.O.,
TELLICHERRY.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.A.SALIL NARAYANAN
BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.915 of 2007

Dated this the 21st day of March, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year.

2. The contention of the revision petitioner is that he has not given sufficient opportunity to adduce evidence. The above aspect was considered in detail by the appellate court and rejected. The lower appellate court has rightly noted that the matter is of the year 2001 and the revision petitioner kept quiet and the matter was pending in the appellate court till 2006. The above circumstances would not show that the attitude of the revision petitioner was bonafide. I find no reasons to interfere in the findings of the court below in exercise of the revisional jurisdiction of this court.

3. All the same, considering the plea of the counsel for the revision petitioner sentence is modified to imprisonment till

the rising of the court and to pay a compensation of Rupees One lakh and in default, to undergo simple imprisonment for three months. Revision petitioner is granted three months' time to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court, Thalassery on 25.6.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.56 of 1999

ORDER

21st March, 2007